

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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USCA Docket Number:

USDC Docket Number : 04-cv-11981

New Seabury Company Limited Partnership

v.

New Seabury Properties, LLC

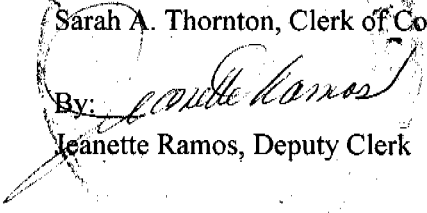
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**CLERK'S CERTIFICATE**

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I & box of exhibits are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 3/24/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on April 7, 2005.

Sarah A. Thornton, Clerk of Court

By:   
Jeanette Ramos, Deputy Clerk

Receipt of the documents in the above entitled case is hereby acknowledged this date: 4/7/05.



Deputy Clerk, US Court of Appeals

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Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

APPEAL

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:04-cv-11981-DPW**

New Seabury Company Limited Partnership, Date Filed: 09/10/2004  
v. New Seabury Properties, LLC Jury Demand: None  
Assigned to: Judge Douglas P. Woodlock Nature of Suit: 422  
Cause: 28:0158 Notice of Appeal re Bankruptcy Appeal (801)  
Bankruptcy Matter (BA) Jurisdiction: Federal Question

**Appellant**

**New Seabury Company  
Limited Partnership,**

represented by **John J. Monaghan**  
Holland & Knight, LLP  
10 St. James Avenue  
Boston, MA 02116  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
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V.

**Appellee****New Seabury Properties,  
LLC**

represented by **Daniel E. Rosenfeld**  
 Kirkpatrick & Lockhart  
 75 State Street  
 Boston, MA 02109  
 617-261-3100  
 Fax: 617-261-3175  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE*  
*NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/10/2004	<u>1</u>	Notice of APPEAL FROM BANKRUPTCY COURT. File received, filed by New Seabury Company Limited Partnership,. (Gawlik, Cathy) (Entered: 09/14/2004)
09/14/2004	<u>2</u>	Bankruptcy Scheduling Order Appellant Brief due by 9/29/2004. Appellee Brief due by 10/14/2004. Appellant Reply Brief due by 10/25/2004. (Gawlik, Cathy) (Entered: 09/15/2004)
09/21/2004	<u>4</u>	JOINT MOTION to Modify Briefing Schedule . (Rynne, Michelle) (Entered: 09/27/2004)
09/23/2004	<u>3</u>	AMENDED DOCUMENT by New Seabury Company Limited Partnership,. Amendment to <u>1</u> Bankruptcy Appeal <i>Statement of Issues on Appeal with c/s</i> . (Xerras, Lynne) (Entered: 09/23/2004)
09/27/2004	<u>5</u>	Judge Douglas P. Woodlock : Electronic ORDER entered granting <u>4</u> JOINT MOTION to Modify Briefing Schedule. The deadlines previously set are extended two weeks. (Greenberg, Rebecca) (Entered: 09/27/2004)

		09/27/2004)
09/27/2004	●	Notice of correction to docket made by Court staff. Correction made to party list and party roles. Deleted parties not in the action. Added attorneys. (Rynne, Michelle) (Entered: 09/27/2004)
10/15/2004	●5	Appellant's BRIEF by New Seabury Company Limited Partnership. (Rynne, Michelle) Additional attachment(s) added on 10/22/2004 (Rynne, Michelle). (Entered: 10/22/2004)
10/15/2004	●6	RECORD APPENDIX by New Seabury Company Limited Partnership.(Two Volumes) (Bound - not scanned) (Rynne, Michelle) (Entered: 10/22/2004)
10/29/2004	●7	BRIEF by New Seabury Properties, LLC. (Barrette, Mark) (Entered: 11/04/2004)
11/10/2004	●8	Appellant's REPLY BRIEF by New Seabury Company Limited Partnership,. (Nici, Richard) (Entered: 11/18/2004)
01/03/2005	●	NOTICE of Hearing re Bankruptcy Appeal :Hearing set for 3/16/2005 02:00 PM in Courtroom 1 before Judge Douglas P. Woodlock. Parties should be prepared to address all outstanding issues. (Rynne, Michelle) (Entered: 01/03/2005)
03/16/2005	●	Electronic Clerk's Notes for proceedings held before Judge Douglas P. Woodlock : Argument on Bankruptcy Appeal held on 3/16/2005. For reasons stated in open court, on the record, the judgment of Judge Hillman is affirmed. (Court Reporter Pam Owens.) (Rynne, Michelle) (Entered: 03/23/2005)
03/23/2005	●9	Judge Douglas P. Woodlock : ORDER entered. ORDER DISMISSING CASE(Rynne, Michelle) (Entered: 03/23/2005)
03/24/2005	●10	NOTICE OF APPEAL as to 9 Order Dismissing Case by New Seabury Company Limited Partnership,. \$

		255, receipt number 62984 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 4/13/2005. (Nici, Richard) (Entered: 03/28/2005)
04/04/2005	● <u>11</u>	DESIGNATION of Record on Appeal by New Seabury Company Limited Partnership, re <u>10</u> Notice of Appeal, (Monaghan, John) (Entered: 04/04/2005)
04/04/2005	● <u>12</u>	DECLARATION re <u>10</u> Notice of Appeal, <i>Statement of Issues on Appeal to the First Circuit Court of Appeals</i> by New Seabury Company Limited Partnership,. (Monaghan, John) (Entered: 04/04/2005)